

## REMARKS

Claims 1-38 are pending in this application. Reconsideration and withdrawal of the rejections set forth in the Office Action dated May 21, 2007, is respectfully requested.

### Double Patenting

In the Office Action, claims 1-38 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. application 10/809, 996 (Krishnan et al.) A terminal disclaimer is submitted herewith to overcome the non-statutory obviousness-type double patenting rejection of claims 1-38.

Accordingly, the rejection of claims 1-38 should be withdrawn.

### Rejections under 35 U.S.C. §112, Second Paragraph

Claims 1-14, 32-33, and 38 were rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. Claims 1 and 32 have been amended to overcome the informalities noted in the Office Action.

### Rejections under 35 U.S.C. §103(a)

Claims 1-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haartsen (US 6,026,297, hereinafter *Haartsen* '297), taken in view of Ahmed (US 7,158,484 hereinafter *Ahmed* '484). These rejections, as applied to the claims, are respectfully traversed.

*Haartsen* '297 was cited as showing a receiver configured to listen for a period of time for a first incoming pilot signal from a first remote terminal that exceeds a power level, a processor configured to operate under control of the first remote terminal if the receiver detects such first incoming pilot signal within the time period, operate independently of the first remote terminal if such first incoming pilot signal said level not detected by the receiver within the time period, and such independent operation including enabling a pilot signal transmission, whereby the transmission of a pilot signal enables communications with at least one other terminal. *Ahmed* '484 is used to show the use of a threshold power level and the pilot signal enabling the other terminal.

As stated in applicants' previous response dated April 12, 2007, *Haartsen '297* is directed to a paging system by which wireless receivers respond to a paging message that includes an address of a wireless unit. There is no suggestion in *Haartsen '297* that a pilot signal is monitored, nor is there suggestion in *Haartsen '297* that if an incoming pilot is not received within a listening time period, the receiver operates independently and enables a pilot signal transmission.

As stated in applicants' previous response, the *Haartsen '297* reference relies on monitoring paging signals.

*Haartsen '297* describes the "paging" procedure as follows:

"the act of establishing the connection with the third wireless unit in the second wireless network includes transmitting a paging message that includes an address of the third wireless unit, receiving a response from the third wireless unit, and establishing the connection with the third wireless unit. In this way, the first wireless unit may be a master in the second wireless network." Col. 2, line 63 - col. 3, line 3 (emphasis added).

And further,

"the act of establishing the connection with the third wireless unit in the second wireless network includes entering a standby mode for a predetermined period of time, and periodically determining whether a paging message has been received that designates the first wireless unit as recipient..., then the first wireless unit sends a response to the sender of the paging message and establishes a connection with the sender of the paging message" Col. 3, lines 5 - 13 (emphasis added).

The wireless units in *Haartsen '297* respond to a message with a specific address. There is no suggestion that the receiving stations listen for pilots. *Haartsen '297* refers to (and incorporates by reference) U.S. patent application Serial No. 08/771,692 (hereinafter '*692*') which describes *techniques for enabling a master to page and thereby* "awaken" an idle slave in a frequency hopping system. The cited reference discloses the following:

"[a] page train is repeatedly transmitted from the paging unit to the standby unit, until a response is received from the standby unit. Each page comprises a plurality of paging messages, each paging message being transmitted on a different one of a subset of the plurality of channels" Col. 2, lines 40 - 45, '*692* (emphasis added).

And further,

"a page train is defined as a block of page messages, each page message being transmitted at a different hop frequency...since the time of wake up is unknown to the paging unit, it should repeatedly transmit a page train until it receives a response from the other unit...in each hop, a page message... is transmitted which includes the recipient's unique address." Col. 6, lines 38 – 48, '692 (emphasis added).

Applicants disclose a member terminal searching for and acquiring a pilot signal. The member terminal may search through all possible PN codes to acquire a strongest pilot signal. The pilot signal may be used by the member terminal to synchronize with the master terminal 104. (Applicants' specification, page 5, paragraph 21). In contrast, *Haartsen '297* shows transmission of a page message including the recipient's unique address. The recipients in *Haartsen '297* monitor a selected channel for receipt of the paging message during each activation time period (Col. 2, lines 33-36, '692). This page message does not suggest a pilot signal as claimed by Applicants. Further, it is not suggested that the recipients in *Haartsen '297* monitor a power threshold of the message as disclosed in applicant's claimed invention. Therefore it would be unobvious under 35 U.S.C. 103(a) to modify *Haartsen '297* to meet the claim limitations of the present invention.

There is no suggestion in the prior art of record of listening for a period of time for a first incoming pilot signal from a first remote terminal that exceeds a threshold power level. Nor is there suggestion of operating under control of the first remote terminal if the receiver detects such first incoming pilot signal within the time period, and operate independently of the first remote terminal in the case of the first incoming pilot signal exceeding said threshold level not detected by the receiver within the time period, such independent operation including enabling a pilot signal transmission, whereby the transmission of a pilot signal enables communications with at least one other terminal. Therefore it would not be obvious to include a threshold power level and the pilot signal enabling the other terminal cited in *Ahmed '484* into a wireless network such as *Haartsen '297* as such a combination would not provide the features of the presently claimed subject matter.

Independent claims 15, 23, 27, 31 and 32 are allowable for at least the same reasons given above with respect to claim 1. The remaining dependent claims are also allowable at least for the reasons given above with respect to their respective independent claims.

Therefore claims 1-38 are allowable over the prior art of record.

**CONCLUSION**

Applicants submit that the application is in condition for allowance, for which early action is requested. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated August 21, 2007

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